

RULE NO.: R161-17.04

POSTING DATE: January 4, 2017

NOTICE OF PROPOSED RULE

The Director of Watershed Protection Department proposes to adopt the following rule after November 6, 2016.

Comments on the proposed rule are requested from the public. Comments should be submitted to Dana McGehee, 505 Barton Springs Road, Suite 1200, Austin Texas, 78704, 974-2634, or via email at dana.mcgehee@austintexas.gov. To be considered, comments must be submitted before February 5, 2017, the 32nd day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

An affordability impact statement regarding the proposed rule has been obtained and is available for inspection or copying at the address noted in the preceding paragraph.

EFFECTIVE DATE OF PROPOSED RULE

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before February 5, 2017 (the 32nd day after the date of this notice) or not after March 15, 2017 (the 70th day after the date of this notice).

If a proposed rule is not adopted on or before March 15, 2017 it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

TEXT OF PROPOSED RULE

A copy of the complete text of the proposed rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Watershed Protection Department, located at 505 Barton Springs Road, Suite 1200, Austin, TX, 78704; and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

BRIEF EXPLANATION OF PROPOSED RULE

R161-17.04: Revises the Environmental Criteria Manual as follows:

Section 1.6 – Design Guidelines for Water Quality Controls

- **1.6.9.3 – Control Measure Design**
 - A.1 through A.4: Clarify and define Existing Conditions and Developed Conditions in the context of load calculations.
 - B.3: Clarify definition of base impervious cover in the context of redevelopment and loading calculations.
 - C.1: Clarify definition of total developed impervious cover.

Section 1.9 – Need for Water Quality Controls

- **1.9.2 – Requirements for Water Quality Controls in the Uplands Zone.**
 - Opening paragraph: Clarify that in no cases would an approved equivalent impervious cover area be less than 1 times the proposed impervious cover area requiring water quality controls.
 - A.2: Clarify definition of base impervious cover and redeveloped impervious cover. Also clarify when water quality controls are needed in the Uplands Zone.
 - B.1: Clarify definition of base impervious cover and redeveloped impervious cover. Also clarify when water quality controls are needed in the Barton Springs Zone.
 - B.2: Introduce Redevelopment Exception per 25-8-26 and refer the reader to appropriate source for water quality control requirements under that exception.
 - C.: Clarify definition of base impervious cover and redeveloped impervious cover. Also clarify when water quality controls are needed in Watersheds other than Barton Springs Zone and Urban.

AUTHORITY FOR ADOPTION OF PROPOSED RULE

The authority and procedure for the adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is established in Chapter 1-2 of the City Code. The authority to regulate water quality is established in Chapter 25-8 of the City Code.

CERTIFICATION BY CITY ATTORNEY

By signing this Notice of Proposed Rule R161-17.04, the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

REVIEW AND APPROVED

Joe Pantalione, P.E., Director
Watershed Protection Department

Date: _____

Anne Morgan
City Attorney

Date: _____

This Notice of Proposed Rule was posted on a central bulletin board at City Hall by the City Clerk. Date and time stamp is on the front of the notice.